

SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

In section 3101(b)(2), strike “, or any other activity necessary to meet critical public health needs of the United States, with respect to any pathogen that the President has determined has the potential for creating a public health emergency”.

SA 1146. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Strike part 2 of subtitle A of title II.

SA 1147. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5007. PROHIBITION ON INDIVIDUALS CONVICTED OF NONCONSENSUAL SEX CRIMES FROM RECEIVING ASSISTANCE FROM THE SMALL BUSINESS ADMINISTRATION.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

“(k) PROHIBITION ON INDIVIDUALS CONVICTED OF NONCONSENSUAL SEX CRIMES FROM RECEIVING ASSISTANCE.—

“(1) DEFINITION.—In this subsection, the term ‘convicted of a nonconsensual sex crime’ means been convicted of a misdemeanor or felony under Federal or State law that involves conduct that, if it occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 of title 18, United States Code.

“(2) PROHIBITION.—The Administrator may not provide a loan, guarantee, or any other assistance under this Act, the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260), or any other provision of law to, or with respect to, an individual, or a concern owned or controlled by an individual, who was convicted of a nonconsensual sex crime during the 5-year period ending on the date on which the loan, guarantee, or other assistance would, but for this subsection, be provided.”.

SA 1148. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to

title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Strike section 4001 and insert the following:

SEC. 4001. ADDITIONAL FUNDS FOR U.S. CUSTOMS AND BORDER PROTECTION FOR OPERATIONS AND SUPPORT.

In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$300,000,000 for necessary expenses of U.S. Customs and Border Protection for operations and support.

SA 1149. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Beginning on page 34, strike line 16, and all that follow through page 43, line 9, and insert the following:

(e) USES OF FUNDS.—A local educational agency that receives funds under this section—

(1) shall reserve not less than 20 percent of such funds to address learning loss through the implementation of evidence-based interventions, such as summer learning, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students’ academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care;

(2) shall reserve such funds as needed to make Education Recovery Grants under subsection (g); and

(3) shall use the remaining funds for any of the following:

(A) Any activity authorized by the Elementary and Secondary Education Act of 1965.

(B) Any activity authorized by the Individuals with Disabilities Education Act.

(C) Any activity authorized by the Adult Education and Family Literacy Act.

(D) Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006.

(E) Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(F) Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(G) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.

(H) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

(I) Purchasing supplies to sanitize and clean the facilities of a local educational

agency, including buildings operated by such agency.

(J) Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(K) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment.

(L) Providing mental health services and supports.

(M) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(N) Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, of the local educational agency, including by—

(i) administering and using high-quality assessments that are valid and reliable, to accurately assess students’ academic progress and assist educators in meeting students’ academic needs, including through differentiating instruction;

(ii) implementing evidence-based activities to meet the comprehensive needs of students;

(iii) providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment; and

(iv) tracking student attendance and improving student engagement in distance education.

(O) School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.

(P) Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.

(Q) Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff.

(R) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

(f) STATE FUNDING.—With funds not otherwise allocated under subsection (d), a State—

(1) shall reserve not less than 5 percent of the total amount of grant funds awarded to

the State under this section to carry out, directly or through grants or contracts, activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care, including by providing additional support to local educational agencies to fully address such impacts;

(2) shall reserve not less than 1 percent of the total amount of grant funds awarded to the State under this section to carry out, directly or through grants or contracts, the implementation of evidence-based comprehensive afterschool programs, and ensure such programs respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student populations described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care;

(3) shall reserve 2.5 percent of the total amount of grant funds awarded to the State under this section to carry out, directly or through grants or contracts, the purchase of educational technology (including hardware, software, and connectivity) for students who are served by the local educational agencies in the State that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment; and

(4) may reserve not more than one-half of 1 percent of the total amount of grant funds awarded to the State under this section for administrative costs and the remainder for emergency needs as determined by the State educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(g) **EDUCATION RECOVERY GRANTS.**—

(1) **IN GENERAL.**—A local educational agency that receives funds under this section and serves an elementary school or secondary school identified and designated under paragraph (2) shall deposit into Education Savings Accounts the Education Recovery Grants to eligible claimants, by not later than June 30, 2021, from funds available under this section in the amount described in paragraph (3).

(2) **IDENTIFICATION AND DESIGNATION.**—Not later than 2 months after the date of enactment of this title, and every 2 months thereafter, a local educational agency that receives funds under this section shall identify and designate for school improvement any elementary school or secondary school served by the agency, that failed, during the preceding 2-month period, to make available in-person instruction for at a minimum 15 days each of such 2 months for all students who wish to attend.

(3) **EDUCATION RECOVERY GRANT AMOUNT.**—The amount described in this paragraph is the product of \$2,500, multiplied by the number of qualifying children of the eligible claimant for the 2021 taxable year.

(4) **ELIGIBLE CLAIMANT.**—In this subsection, the term “eligible claimant” means a parent or guardian of a qualifying child who agrees to use the funds deposited in their qualifying child's Education Savings Account for the

following qualifying expenses to educate the qualifying child:

(A) Tuition and fees in connection with enrollment or attendance at an elementary or secondary school.

(B) Tuition for tutoring or educational classes outside of the home (but only if the tutor or instructor is not related to the student).

(C) Curriculum or instructional materials.

(D) Educational services or therapies for students with disabilities.

(E) Any other related educational expenses approved by the local educational agency.

(5) **SPECIAL RULE.**—Only one Education Recovery Grant shall be made on behalf of each qualifying child, regardless of the number of parents or legal guardians of such child.

(6) **QUALIFYING CHILD.**—In this subsection, the term “qualifying child” means an individual aged 5 through 17 who attends a school identified and designated under paragraph (2).

(7) **ADMINISTRATION.**—A local educational agency that receives funds under this section and serves an elementary school or secondary school identified and designated under paragraph (2) shall—

(A) provide parents and guardians of qualifying children with a written explanation of the allowable uses of Education Recovery Grants; and

(B) require that eligible claimants maintain a record of how Education Recovery Grant funds were spent.

(8) **PROHIBITION OF CONTROL OVER NONPUBLIC EDUCATION PROVIDERS.**—

(A) **IN GENERAL.**—Education Recovery Grants shall not be considered assistance to the school or other educational provider that enrolls or provides educational services to the qualifying child or the eligible claimant.

(B) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home education provider, whether or not a home education provider is treated as a private school or home school under State law.

(C) **PROHIBITION ON RELIGIOUS DISCRIMINATION.**—No State or local educational agency shall in any way exclude, discriminate against, or otherwise disadvantage any education provider with respect to programs or services under this section based in whole or in part on the provider's religious education character or affiliation, including religiously or mission-based policies or practices.

(h) **REALLOCATION.**—A State shall return to the Secretary any funds received under this section that the State does not award within 1 year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (c).

(i) **ESEA TERMS.**—In this section:

(1) **ESEA TERMS.**—The terms “child”, “children with disabilities”, “distance education”, “elementary school”, “English learner”, “evidence-based”, “extended learning time”, “secondary school”, “local educational agency”, “parent”, “school leader”, “Secretary”, “State”, “state educational agency”, and “technology” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **FULL-SERVICE COMMUNITY SCHOOL.**—The term “full-service community school” has the meaning given that term in section 4622(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7272(2)).

(3) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SA 1150. Mr. CARPER (for himself, Mr. WYDEN, Mr. DURBIN, Mr. KELLY,

Mr. REED, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Strike subtitle A of title IX and insert the following:

Subtitle A—Crisis Support for Unemployed Workers

PART 1—EXTENSION OF CARES ACT UNEMPLOYMENT PROVISIONS

SEC. 9011. EXTENSION OF PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) **IN GENERAL.**—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amended—

(1) in paragraph (1)—

(A) by striking “paragraphs (2) and (3)” and inserting “paragraph (2)”; and

(B) in subparagraph (A)(ii), by striking “March 14, 2021” and inserting “October 4, 2021”; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) **INCREASE IN NUMBER OF WEEKS.**—Section 2102(c)(2) of such Act (15 U.S.C. 9021(c)(2)) is amended—

(1) by striking “50 weeks” and inserting “79 weeks”; and

(2) by striking “50-week period” and inserting “79-week period”.

(c) **HOLD HARMLESS FOR PROPER ADMINISTRATION.**—In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 9016(b) of this title, any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the CARES Act (Public Law 116-136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment ending on or before March 14, 2021.

SEC. 9012. EXTENSION OF EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) **IN GENERAL.**—Section 903(i)(1)(D) of the Social Security Act (42 U.S.C. 1103(i)(1)(D)) is amended by striking “March 14, 2021” and inserting “October 4, 2021”.

(b) **INCREASE IN REIMBURSEMENT RATE.**—Section 903(i)(1)(B) of such Act (42 U.S.C. 1103(i)(1)(B)) is amended—

(1) in the first sentence, by inserting “and except as otherwise provided in this subparagraph” after “as determined by the Secretary of Labor”; and